

PLANNING COMMITTEE

Thursday, 9 September, 2010 at 5.30 p.m.

In the Council Chamber at the Council House, Walsall

Present

Councillor Perry (**Chairman**)
Councillor Bird (**Vice-Chairman**)
Councillor Arif
Councillor Beeley
Councillor P. Bott
Councillor Carpenter
Councillor Cook
Councillor Creaney
Councillor Harris
Councillor P. Hughes
Councillor Jeavons
Councillor Madeley
Councillor Rochelle
Councillor Sarohi
Councillor Thomas
Councillor Turner
Councillor Yasin

2523/10 **Apologies**

Apologies for non attendance were submitted on behalf of Councillors Ali, Douglas-Maul and Pitt.

2524/10 **Minutes**

Resolved

That the minutes of the meeting held on 19 August, 2010, a copy having been previously circulated to each Member of the Committee, be approved and signed by the Chairman as a correct record.

2525/10 **Declarations of Interest**

Councillors Perry, Arif and Carpenter declared a prejudicial interest in relation to the item relating to the local public enquiry into refusal of planning permission for retention of a caravan for a gypsy family and a patio at Rose Cottage, Railswood Nurseries, Railswood Drive, Walsall.

Councillor Bird declared a prejudicial interest in the item relating to Beacon View, Little Aston Road, Walsall.

2526/10 **Deputations and Petitions**

There were no deputations introduced or petitions submitted.

2527/10 **Confirmation of Tree Preservation Order 11 of 2009 on Land at Former Cardboard Box Factory, Spring Lane, Willenhall, WV12 4HL**

The report of the Head of Regeneration, Development and Delivery was submitted, together with the supplementary papers:-

(see annexed)

Mr. Phipps enlarged upon the report and the supplementary papers and it was,

Resolved

That the Committee:-

1. Confirms the Walsall The Tree Preservation Order No. 11 of 2009 in modified form; the plan showing the tree preservation order being attached to the report;
2. Supports the reason for making the tree preservation order set out in the report now submitted;
3. Notes that no representations have been received in respect of this tree preservation order;
4. Authorises the revocation of Walsall Tree Preservation Order No. 12 of 2007.

2528/10 **Confirmation of Tree Preservation Order 14 of 2009 on The Lane Arms Public House, 169 Wolverhampton Road West, Walsall, WS2 0BX**

The report of the Head of Regeneration, Development and Delivery was submitted:-

(see annexed)

Simon Phipps enlarged upon the report and indicated that no representations had been made in respect of the tree preservation order.

Resolved

That the Committee:-

1. Confirms the Walsall Tree Preservation Order No. 14 of 2009 in an unmodified form;
2. Supports the reason for making the tree preservation order as set out in the report now submitted;
3. Notes that no representations have been received in respect of this tree preservation order.

2529/10

Confirmation of Tree Preservation Order 22 of 2009 on land to the rear of 20-26 Grove Way and 152-156 Chester Road, Streetly

The report of the Head of Regeneration, Development and Delivery was submitted:-

(see annexed)

Resolved

That the Committee:-

1. Confirms the Walsall Tree Preservation Order No. 22 of 2009 in an unmodified form;
2. Supports the reason for making the tree preservation order as set out in the report now submitted;
3. Notes that no representations have been received in respect of this tree preservation order.

2530/10

Confirmation of Tree Preservation Order 23 of 2009 on Norwich Union House, 17 Lichfield Street, Walsall

The report of the Head of Regeneration, Development and Delivery was submitted:-

(see annexed)

Resolved

That the Committee:-

1. Confirms the Walsall Tree Preservation Order No. 23 of 2009 in an unmodified form;
2. Supports the reason for making the tree preservation order as set out in the report now submitted;
3. Notes that no representations have been received in respect of this tree preservation order.

2531/10

Confirmation of Tree Preservation Order 24 of 2009 on 5 Bilston Road, Willenhall, WV13 2JT

The report of the Head of Regeneration, Development and Delivery was submitted:-

(see annexed)

Resolved

That the Committee:-

1. Confirms the Walsall Tree Preservation Order No. 24 of 2009 in an unmodified form;
2. Supports the reason for making the tree preservation order as set out in the report now submitted;
3. Notes that no representations have been received in respect of this tree preservation order.

2532/10

Confirmation of Tree Preservation Order 17 of 2009 on land at 43 and 58 Delamere Road, Willenhall, WV12 5QS

The report of the Head of Regeneration, Development and Delivery was submitted:-

(see annexed)

Resolved

That the Committee:-

1. Confirms the Walsall Tree Preservation Order No. 17 of 2009 in an unmodified form;
2. Supports the reason for making the tree preservation order as set out in the report now submitted;
3. Notes that no representations have been received in respect of this tree preservation order.

2533/10

Application to fell one protected Silver Birch Tree at 79 Inglewood Grove, Streetly ,B74 3LW

The report of the Head of Regeneration, Development and Delivery was submitted:-

(see annexed)

Simon Phipps enlarged upon the report and indicated that the tree was a fine specimen in good health. It provided a prominent feature in the street scene. Other applications to fell had been submitted and refused and an appeal to the Secretary of State had also been refused. If the Committee was mindful to grant the consent for the felling of the tree then a condition should be included for a replacement tree being provided on the site.

The Committee welcomed Mr. Hughes, speaking on behalf of Mrs. Beresford (the applicant) who reported that the condition of the tree caused a danger to the family and with increased stormy weather arising from global warming more trees were being blown down. The tree was at least 60 years old and nearing the end of its life. He requested the Committee to grant permission for the tree to be felled.

The Committee then welcomed Councillor Hughes who indicated that the tree was over large for the site and posed very real health risk to Mrs. Beresford.

Several Members spoke in favour of felling the tree providing a suitable replacement tree was planted in its place.

Resolved

That approval given to the felling of the Silver Birch Tree at 79 Inglewood Grove, Streetly, B74 3LW subject to a suitable replacement tree being planted in its place.

2534/10

Proposed consultation of local validation checklist

The report of the Head of Planning and Building Control was submitted:-

(see annexed)

David Elsworthy enlarged upon the report and informed the meeting that the checklist would need to be adopted by the end of December, 2010.

Resolved

That the Committee:-

1. Approve the proposed draft local validation checklist for the purpose of consultation with customers and users of the development management service as set out in the report;
2. Delegates authority to the Head of Planning and Building Control to make amendment where necessary to the local validation checklist in accordance with relevant future policy or legislative changes.

2535/10

Car wash at 1A High Street, Moxley, Darlaston

The report of the Head of Planning and Building Control was submitted:-

(see annexed)

Resolved

That authority be delegated to the Assistant Director - Legal and Constitutional Services to institute legal proceedings, in consultation with the Head of Planning and Building Control, to prosecute in respect of the failure to comply with a breach of condition notice which requires the use of jet washing equipment to cease at 1A High Street, Moxley, Darlaston.

2536/10

163 – 169 High Street, Brownhills, Walsall, WS8 6HT

The report of the Head of Planning and Building Control was submitted:-

(see annexed)

Resolved

That the Committee:-

1. Authorises the issuing of an enforcement notice under the Town and Country Planning Act 1990 (as amended), to require remedial actions undertaken as indicated below;
2. Agrees that the decision as to the institution of prosecution proceedings in the event of non compliance with an enforcement notice or the non return of Requisitions for Information or a planning contravention notice; and the decision as to the institution of injunctive proceedings in the event of a continuing breach of control be delegated to the Assistant Director - Legal and Constitutional Services, in consultation with the Head of Planning and Building Control;
3. In the interest of ensuring accurate and up-to- date notice is served, authorises the Assistant Director - Legal and Constitutional Services, in consultation with the Head of Planning and Building Control to amend, add to or delete from the wording set out below; stating the nature of the breaches and the reasons for taking enforcement action, the requirements of the notice on the boundaries of the site.

2537/10

Details of the enforcement notice

The Breach of Planning Control:-

Change of use of land to use for vehicle washing and valeting and the siting of a portable building.

Steps required to remedy the breach:-

Permanently cease to use the land for the washing or valeting of vehicles;

Permanently remove the portable building from the land.

Permanently remove from the land all vehicles, materials and equipment which are used in connection with the use for vehicle washing and valeting.

Period for compliance:-

Two Months

Reason for taking enforcement action:-

- (1) The hand car wash and valeting use, including the use of pressure washers, vacuum cleaners, vehicles waiting, manoeuvring and associated general activities results in noise and disturbance that unacceptably reduces the level of amenity available to the

surrounding residential occupiers, in particular, the occupiers of No. 1 New Road. The use is, therefore, contrary to saved policies GP2, 2.2, 3.6, 3.7, ENV10 and ENV32 of Walsall's adopted Unitary Development Plan (2005) and Planning Policy Guidance 24: Planning and Noise;

- (2) The site layout and access arrangements create the potential for queuing traffic onto the highway and conflicting vehicle movements causing a detrimental impact on highway safety and the free flow of traffic on part of the Strategic Highway Network. The use is, therefore, contrary to saved policies GP2, ENV32 and T4 of Walsall's Unitary Development Plan (2005);
- (3) The portable building is an inappropriate form of permanent development which is out of character with its surroundings. The building is, therefore, contrary to saved policies GP2 and ENV32 of Walsall's Unitary Development Plan (2005).

2538/10 **Application List for Permission to Develop**

The application list for permission to develop was submitted, together with the supplementary papers and additional information for items already on the plans list:-

(see annexed)

The Committee agreed first to deal with the items on the agenda where members of the public had previously indicated that they wished to address the Committee. The Chair, at the beginning of each item for which there were speakers, advised of the procedure whereby the speaker would have three minutes to speak and then at two minutes they would be reminded that they had a minute left.

2539/10 **Item No. 1 - 10/0680/FL - extension to existing retail store (Class A1) at Ikea, Park Lane, Wednesbury, WS10 9SF**

The Planning Officer advised the Committee of the background to the report.

The Committee then welcomed the first speaker on this application, Sally Miles, who spoke in support of the application.

Members considered the application and it was **moved** and duly **seconded**:-

That planning application no . 10/0680/FL be approved, subject to conditions as contained within the report now submitted.

The Motion having been put to the vote was declared **carried**, with Members voting unanimously in favour of approval.

Resolved

That planning application no . 10/0680/FL be approved, subject to conditions as contained within the report now submitted.

2540/10

Item No. 3 - 10/0702/FL - 13 two and three bed affordable houses, 10 one-bed supported living apartments and an 8 bedroom physical disability unit at site of The Cavalcade Public House, Stroud Avenue, Willenhall, WV12 4DH

The Planning Officer advised the Committee of the background to the report and drew Members' attention to the additional information contained within the supplementary report.

The Committee then welcomed the first speaker on this application, Sandra King, who spoke against the application.

The Committee then welcomed the second speaker on this application, Councillor Shires, who also spoke against the application.

The Committee then welcomed the third speaker on this application, Mr. John Greensill, who spoke in support of the application.

The Committee then welcomed the fourth and final speaker on this application, Mr. John Jarratt, who also spoke in favour of the application.

There then followed a period of questioning by Members, following which, it was **moved** and duly **seconded**:-

That the application be deferred for the applicant to hold further consultation with the community and report back to the next meeting of the Committee.

The Motion having been put to the vote was declared **carried**, with Members voting unanimously in favour of deferral.

Resolved

That planning application no. 10/0702/FL be deferred for the applicant to hold further consultation with the community and report back to the next meeting of the Committee.

2541/10

Item No. 13 - 09/1521/LB - demolition of existing listed building at Methodist Church, Mellish Road/Lichfield Street, Walsall, WS4 2HT

It was reported that the speakers were not in attendance.

The Planning Officer advised the Committee of the background to the report and drew Members' attention to the additional information contained within the supplementary paper.

Yvonne Walsham (Legal Services) drew attention to the supplementary report and the requirement that the works must commence within three years of the date of the consent being given.

Following questions from Members it was,

Resolved

That approval be given to the demolition of the Methodist Church, Mellish Road/Lichfield Street, Walsall, subject to referral to Government Office West Midlands.

2542/10

Item No. 4 - 10/0881/RM - Reserved Matters for first phase of approved development to provide 15 houses accessed from Walstead Road West at Brockhurst Crescent and Walstead Road West, Bescot, Walsall, WS5 4AX

The Planning Officer advised the Committee of the background to the report.

The Committee then welcomed the only speaker on the application, Mr. Meddings, who spoke against the application.

There then followed a period of questioning by Members.

Members considered the application and Councillor Rochelle **moved** and it was **seconded** by Councillor Yasin:-

That planning application no.10/0881/RM be approved, subject to the resolution of Environment Agency objections to meet the requirements of PPS25.

The Motion having been put to the vote was declared **carried**, with Members voting unanimously in favour of approval.

Resolved

That planning application no.10/0881/RM be approved, subject to the resolution of Environment Agency objections to meet the requirements of PPS25.

2543/10

Item No. 6 - 10/0362/FL - refurbishment of existing retail premises and 3 apartments and erection of 9 2 bedroom apartments on Pleck Road frontage with associated car parking, landscaping and associated works and demolition of existing ancillary buildings at land corner of Pleck Road and Ida Road, Walsall

The Planning Officer advised the Committee of the background to the report.

The Committee welcomed the only speaker, Mr. Andrew Kherry, who spoke in support of the application.

Members felt that the concerns raised at a previous meeting of the Committee had been answered by the revised design and that the amended application complemented the new Manor Hospital development.

It was then **moved** and **seconded**:-

That planning application no. 10/0362/FL be approved, subject to conditions as contained within the report now submitted.

The Motion having been put to the vote was declared **carried**, with Members voting unanimously in favour of approval.

Resolved

That planning application no. 10/0362/FL be approved, subject to conditions as contained within the report now submitted.

2544/10

Item No. 8 - 10/0342/FL - proposed erection of chalet tourist accommodation (comprising 20 units), health and fitness suite (comprising swimming pool, gym, studio, treatment rooms, sauna and steam room), new staff offices, shop and revised reception area and alterations to golf course layout, together with landscaping works and associated plant facilities at Calderfields Golf Club, Aldridge Road, Walsall, WS4 2JS

The Planning Officer advised the Committee of the background to the report and drew Members' attention to the additional information contained within the supplementary paper.

The Committee welcomed the first speaker on this application, Mrs. Brown, who spoke against the application.

The Committee then welcomed the second speaker on this application, Councillor Mrs. McCracken, who also spoke against the application.

The Committee then welcomed the third speaker on this application, Mr. Hayward, who spoke in support of the application.

Members asked a number of questions of the speakers, following which it was **moved** and duly **seconded**:-

That planning application no. 10/0342/FL be granted (Option A), subject to referral to the Secretary of State and a condition relating to the chalets only being used by persons related to the use of the site and appropriate other conditions.

In granting approval to the scheme, Members recognised that it was an incursion into the Green Belt but felt that it would have little impact on the Green Belt area and would provide greater regeneration value.

The Motion having been put to the vote was declared **carried** and it was,

Resolved (Councillors Arif, Turner and Yasin voting against)

That planning application no. 10/0342/FL be granted (Option A), subject to referral to the Secretary of State and a condition relating to the chalets only being used by persons related to the use of the site and appropriate other conditions.

2545/10

Extension of meeting

At this point in the meeting, the Chairman, Councillor Perry, moved that the meeting continue beyond 8.30 p.m. in order to complete the remaining items on the agenda. The Committee agreed to extend the meeting beyond 8.30 p.m.

2546/10 **Item No. 2 - 10/0854/FL - deletion of condition 13 of permission 09/0974/FL requiring new dwellings to be constructed to Code for Sustainable Homes Level 3 standard at land at Beddows Road and Rutland Street, Walsall**

Resolved

That planning application no. 10/0854/FL be granted.

2547/10 **Item No. 5 - 10/0835/FL - proposed new 14-19 education facility, associated landscaping and parking and new service access road adjacent to Alumwell Comprehensive at land adjacent Alumwell Business and Enterprise Centre, Primley Avenue, Walsall, WS2 9UA**

Resolved

That planning application no. 10/0835/FL be approved, subject to Conditions contained within the report now submitted.

2548/10 **Item No. 7 - 10/0682/FL - Rebuild of industrial unit at Units 1 and 2, Newman Business Park, Southern Way, Wednesbury**

Resolved

That planning application no. 10/0682/FL be granted, subject to conditions as contained within the report now submitted.

2549/10 **Item No. 9 - 10/0672/WA - Change of use to transfer and treatment of hazardous and non-hazardous waste at the former Green Biodiesel Ltd., site, Collier Close, Walsall, WS8 7EU**

Resolved

That planning application no. 10/0672/WA be granted, subject to the conditions contained within the report now submitted.

2550/10 **Item No. 10 - 10/0867/CC - construction of 3 dwellings at Beacon View, Little Aston Road, Walsall, WS9 0NN**

The Principal Planning Officer (Mr. Hickson) reported that the application site was in the Green Belt and in a Conservation Area.

Resolved (Unanimously)

That planning application no. 10/0867/CC be granted, subject to conditions.

2551/10 **Item No. 10 - 10/0866/FL - construction of 3 new dwellings at Beacon View, Little Aston Road, Walsall, WS9 0NN**

Resolved

That planning application no. 10/0866/FL be granted, subject to referral to Government Office West Midlands.

2552/10 **Item No. 11 - 09/0333/FL - retention of single storey and two storey rear extensions and also the retention of the change of use to a house of multiple occupation comprising 14 bedrooms, lounge and kitchen at 10, 11 and 12 Pinfold Street, Walsall, WS10 8UN**

Councillor Bott requested that the application be deferred. If granted, it would have a detrimental effect on the regeneration of the rest of Pinfold Street.

Resolved

That planning application no. 09/0333/FL be deferred in order that officers can discuss its impact on the wider Darlaston Comprehensive Regeneration Scheme.

2553/10 **Item No. 12 - 10/0893/FL - Demolition of existing ambulance station and erection of a warehouse extension to existing foodstore, creation of new staff car park and diversion of existing footpath at Morrisons Supermarket, Anchor Road, Aldridge, Walsall, WS9 8PT**

Resolved (Unanimously)

That planning application no. 10/0893/FL be granted, subject to conditions contained in the report and now submitted.

2554/10 **Item No. 14 - 10/0754/FL - convert public house to 5 flats at Royal Oak Public House, Lord Street, Walsall**

Resolved (Unanimously)

That planning application no. 10/0754/FL be granted, subject to conditions contained within the report now submitted.

2555/10 **Item No. 15 - 10/0659/FL - change of use of derelict factory to nine 2 x bed apartments, demolition of central buildings and provision of soft landscaped area in the centre of the site at AJM Buildings, Villiers Street, Willenhall, WV13 1DF**

Resolved (Unanimously)

That planning application no. 10/0659/FL be granted, subject to conditions contained within the report now submitted.

2556/10 **Item No. 16 - 10/0976/FL - proposed change of use from A1 (retail) to A5 (hot food takeaway) at 176 Bloxwich Road, Walsall, WS2 7BQ**

This application was withdrawn.

2557/10 **Item No. 17 - 10/0816/FL - 2 no. 3 bed semi detached dwellings on land adjacent to 6 Forge Road and adjacent to public byway Willenhall No. 68 at land adjacent 6 Forge Road, Willenhall, WV12 4HD**

Resolved (Unanimously)

That planning application no. 10/0816/FL be approved, subject to the conditions contained within the report and the supplementary paper now submitted.

2558/10 **Private Session**

Exclusion of Public

Resolved

That, during consideration of the remaining item on the agenda, the Committee considers that the item for consideration is exempt information by virtue of the appropriate Paragraphs of Part 1 of Schedule 12A of the Local Government Act, 1972, as amended, and accordingly resolves to consider that item in private session.

2559/10

Local public inquiry into refusal of planning permission for retention of a Caravan for a gypsy family and patio at Rose Cottage, Railswood Nurseries, Railswood Drive, Pelsall

The Committee considered a report and approved the recommendations contained therein.

(Exempt information under Paragraph 5 of Part I of Schedule 12A of the Local Government Act, 1972) (as amended)

Termination of meeting

There being no further business the meeting terminated at 8.50 p.m.

Signed:

Date: